



**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING
OF MONDAY, JANUARY 3, 2011
HELD AT 200 HIGHLANDS BOULEVARD DRIVE**

1. CALL TO ORDER

Mayor David L. Willson called the Regular Board of Aldermen meeting to order at 7:00 p.m. Following the Pledge of Allegiance, President of the Board Marilyn Ottenad gave the invocation.

2. ROLL CALL AND STATEMENT OF QUORUM

Roll call showed those present were Alderman Clement, Alderman Tullock, Alderman Roth, Alderman Ottenad, Alderman Diehl, Alderman Ryan, Mayor Willson and Attorney Gunn. A quorum was present.

3. APPROVAL OF THE MINUTES

a. Minutes of the December 20, 2010 Regular Board of Aldermen meeting

Alderman Tullock made the motion to approve the Minutes of the December 20, 2010 Regular Board of Aldermen meeting. The motion was seconded by Alderman Clement and carried unanimously, without objection.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Alderman Clement made the motion to approve the Order of Items on the Agenda. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

a. 2011 Budget Discussion

Alderman Clement said this item was put on the agenda as a follow-up to the previous meeting when the 2011 budget was voted down by the Board. He said that he was thinking that perhaps those who had opposed it might reconsider, and perhaps others might have looked at items so there would be some consensus. He said he met with Alderman Roth and discussed the budget. He asked if any of the individuals who voted against the budget would be interested in changing their vote.

Alderman Tullock said there were a couple things that Alderman Roth and he discussed with City staff today for a couple hours. He said item 4260 needs to be removed. He said that item 6100, for the LCD monitor that was scheduled to be installed at the Police Facility, should be removed. He said he would like to see the restricted fund balance increased and taken from the unrestricted fund. He suggested moving some of the money in the unrestricted fund to the restricted fund balance in the event of emergencies.

Alderman Clement said he believes that the members of the Board are all in agreement about the LCD monitor.

City Administrator Ed Blattner explained the restricted fund balance and discussed possible catastrophes that could occur and suggested that perhaps the Board should increase the restricted fund balance. He said that a number of years ago, the Board of Aldermen decided that the City should have a 20% restricted fund of expenditures for the year. He said that 20% of the proposed 2011 expenditures would represent about 2.4 months of operation of the City; that is something that would be reviewed in regard to increasing that fund balance. He said that realistically, if there was a major storm or catastrophe, a six month cushion should be appropriate.

Alderman Ottenad asked why this was not brought up during the budget work sessions.

Mr. Blattner stated that in the aftermath of the tornadoes in the area on Friday, it was suggested that maybe the City should have a little bit higher restricted fund balance that only the Board can tap into for an emergency purpose.

Alderman Diehl clarified that in order to take funds from the unrestricted fund to put into the restricted fund that a vote of the Board of Aldermen would be required.

There was discussion about a possible percentage of the general fund to be included in the restricted funds.

Alderman Tullock discussed the allocation of funds. He talked about item 6510, the Parks and Storm Water Project Fund, and referred to fiscal year 2007 to 2014, and he said that 76.9% is going to Ward Two, he said that 22.4% is going to Ward One, .7% going to Ward Three for storm water projects. That excludes storm sewer projects and storm inlet repair and reconstruction. He said he would like to see those funds more defined in the expenditures account. He said he would like to see the \$1.9 million split up to show expenditures in each ward.

Alderman Clement said the principle here is that the City would need to start dividing up expenditures by wards. He suggested that the City's funds should be divided by need, not by ward. He suggested that City staff expertise should prevail.

Alderman Tullock said that last year, payments to the judge, prosecutor and City Attorney were increased, and he was unaware of that. He questioned why the contracts weren't

amended as opposed to giving them this increase. He said he was unaware of that.

Alderman Clement said that he believes Alderman Tullock missed a meeting. He said he does remember having the conversation, and the advocates were City staff who thought this was timely and appropriate.

Alderman Tullock said he would like to see the amounts being paid reduced back to the original contract amounts.

Alderman Ottenad said she was unaware that the Board was going to go into all this detail again after all the hours already spent on the 2011 budget. She asked that Director of Finance Dave Tuberty put Alderman Tullock's information together for review before making a decision.

Alderman Tullock asked if the City wants to continue funding the Seibert Park "Bridge to Nowhere"; he discussed the bridge abutments. He suggested removing the expenditure from the budget.

Alderman Diehl said that as a follow-up to Alderman Tullock's previous comments about expenditures by ward, Ward Three is not receiving much funding in this budget, and he would like to see funding for the bridge; it is the entrance to the City and it has history.

Alderman Clement said he remembers that staff had given reasons why the City should continue to fix it, and the staff is strongly in favor of repairing it.

City Administrator Ed Blattner said currently the City is having Kuhlmann Design Group draw up the plans for the rehabilitation of those abutments, and he is working on the specifications. It was discussed during the budget sessions and everyone talked about it and agreed to have it in the budget.

City Administrator Ed Blattner discussed expenses in repairing the roof, new painting, railings; he said there are still the abutments that need to be fixed where the water has deteriorated the stones. He said the bridge itself has been fixed; this is to protect the bridge.

Alderman Ottenad said she didn't know how much more discussion is needed on this; she said there was a lot of discussion about the bridge, and the consensus was to keep the bridge and fix the abutments.

Alderman Tullock asked how many homes are going to directly benefit from the Channel B Project.

Mr. Blattner said there are two sections of Channel B. He said there are 12 to 15 homes in the one section where the water has been eroding the soils away and washing out the back yards. He said there are two homes that are more affected in terms of loss of land, but there are problems all the way through the Channel. He said that part of Channel B is similar to the Channel A project being finished now. He discussed the second high-priority section of Channel

B. He said he was not aware of the flooding problems as on Channel A; he is aware of loss of property. He said that the trustees of Country Lane Woods had addressed the Board in regard to these problems.

Alderman Clement said the main problem is the people are losing back yards and fences. They are beginning to see cracks in their homes, but they are not sure if there is damage being done with the land being gradually washed away. He said it is so deep there, and the fear is that it is a safety risk for young children.

Alderman Ryan suggested holding on the engineering studies until 2012.

City Administrator Ed Blattner said that he would reiterate what he told the members of the Board during the five work sessions for the 2011 budget, there are ample funds to take care of everything listed. He said there is a lot of work ahead of the City, and engineering drawings are necessary to see what needs to be done. He said the City would need to go through the Corps of Engineers, the Metropolitan Sewer District, and the Department of Natural Resources, as was done for Channel A. He said he doubts that everything will be done to go out for bid until 2012. He reiterated that in the 2011 budget, there are ample funds to cover everything included. He said that the way the state law is written, the City must select and negotiate with the consultant, and it could take 60-90 days to complete that. After considerable discussion, Mr. Blattner reminded the Board that it took about eight years from having engineering studies done to completion of Channel A. He said they are just talking about engineering plan preparation, not construction; there is a lot of work to be done before construction.

Alderman Tullock stated what the Board needs to consider is that they are looking at spending \$300,000 alone on the engineering costs on the Channel B project, and that does not include the \$2 million being projected for 2012, the \$1 million for 2013, or the \$2 million for 2014.

City Administrator Ed Blattner stated those are “plug numbers”, anticipated numbers. He said he had to give the Board some idea of the magnitude of cost in the five-year projection. He said that Channel A cost about \$700 - \$800 a foot, but he does not know if Channel B will be within the same range or not. He discussed the possibility of doing Channel B in phases.

There was discussion about funding the storm water projects.

Alderman Clement stated that he and Alderman Ottenad, because they represent Ward Two, have said all along that having gone through the Channel A Project, and knowing it takes far longer than what was anticipated, their belief is that same thing will be true with Channel B and those projects in Ward One. He said that he believes that all these engineering studies do need to be completed this year, and again at some point in the fall, perhaps at the next budgeting session, the Board of Aldermen needs to take a City-wide view and see which one is further along.

Alderman Clement stated he has said that if one of these projects in Chadwick is ready to go, he will certainly support that. He said that he supported the 2011 budget; the irony for this

whole discussion is that the three individuals who supported the budget are supporting those projects in Ward One and Ward Three. He said those who are arguing the point are the ones who said “no” to that budget.

Alderman Clement suggested that the Board get the studies done and in the fall they will be in a position to really assess and see which one is further along, and which one we are ready to start, if we are really even ready to start any in 2012, and then that is the one that they move forward on. He said to look at a large citywide perspective, not by this ward verses ward.

Alderman Tullock stated to Alderman Clement if he looked at it from a practical stand point, if the City doesn’t have money for it, if it is not in the budget fiscal year 2012, 2013, and 2014 for it they are wasting their time planning for it now.

Alderman Clement stated it is not a waste of time. He asked why it would be a waste of time if they get the studies done and then be ready to really move forward. He said when they do have the funds everything will be done; that is why it is smart to do the studies right now rather than not doing them.

Mayor Willson stated he finds it intriguing that tonight after five budget work sessions, these healthy discussions never existed during the budget work sessions. He asked Alderman Tullock to present his list/arguments and what he thinks he wants to change and what he wants to do to the Board and have it produced, reproduced and get it to the Board. The Board can go through these items one at a time at the next Board meeting and then the Board of Aldermen will vote. Present arguments to the Board before the next meeting.

Alderman Tullock asked if the Board was to decide to reintroduce a substitute Bill, he asked whether it would be a brand new Bill or if they can substitute the previous Bill.

City Attorney Patrick Gunn responded that after tonight they cannot reconsider the Bill that was on the agenda at the last meeting; it would have to be a new Bill, and it seems there might be some changes which would be sufficient to start over again. There will be a new Bill with new components and he would suggest that the original Bill be proposed with LCD monitor and the Direct TV cable removed, so there would be a change with a new Bill. He said then there would be a list of things that Alderman Tullock would like to change in the remainder of the budget and those could be voted on one at a time, and those would constitute separate amendments to the budget, and then there would be one package to vote on.

There was a discussion about reconsidering the budget Bill and when it can be reintroduced. There was another discussion about emergency legislation.

Attorney Gunn said the Bill could be re-considered this evening, if someone who voted “no” or abstained requested reconsideration, but the aldermen don’t know what all of Alderman Tullock’s components are. He said it appears that the LCD monitors and Direct TV Cable should be eliminated, so the new Bill would not include those two items.

Alderman Tullock discussed the 2% salary increases. He said the 2% was based on

actual 2010 amounts spent.

Attorney Gunn wanted to make sure he understood what Alderman Tullock was talking about with the 2% raise is based upon 2% what the employee actually received in 2010.

Alderman Tullock said that is what he was proposing.

City Administrator Ed Blattner explained that the City is not fully staffed and money needs to be included to pay those additional full-time employees. He said if someone else leaves, until a replacement is hired, there will be additional money saved.

Alderman Tullock said he will put together a list in the next week of what he feels the City can live with. He said that if there is agreement, emergency legislation could take place at the next Board of Aldermen meeting.

City Attorney Patrick Gunn suggested that this Bill be made retroactive to January 1, 2011.

Alderman Ryan stated he didn't see a problem with that.

Alderman Tullock asked if it could be made retroactive.

City Attorney Patrick Gunn stated he believed it could be made retroactive; by authorizing expenditures, the City can go back in time and make the adjustments.

b. Comments from the public

Mr. Marc Mendolia, 1102 Brittany Parkway Drive, said he had questions for a couple of the members of the Board of Aldermen. He discussed a "holiday newsletter" that came from Alderman Roth and Alderman Tullock and was delivered on Christmas Eve. He said he feels the newsletter is inflammatory and intentionally misrepresents a number of things in the City of Manchester.

Mr. Mendolia asked if this is an official City document.

Alderman Tullock answered that it was not an official City document; it is a document put together as a Ward One newsletter from the aldermen to their constituents.

Mr. Mendolia stated that he didn't understand, because it has City Hall on it, and it says "City of Manchester" and "Aldermen Ward One Newsletter", as an official document.

Mr. Mendolia asked if it is a campaign letter.

Alderman Tullock answered that it is not a campaign letter.

Mr. Mendolia questioned the comment, "Stalking Horse Candidate", and said normally

candidates are not discussed unless it is campaign literature, so that is confusing. He asked about the intention of the newsletter.

Alderman Tullock answered that based on his investigations, and based on the infrastructure improvements as indicated on the graph in the newsletter, the City is projected to spend the amount indicated on the graph in the three wards, and some of the residents in Ward One want to find out why Ward One is being left out, and when their needs are going to be resolved.

Mr. Mendolia said there are a number of points that he would like to cover, and asked if it was Alderman Tullock's intention to cover all the issues that were noted in the first paragraph of the newsletter. He said that it seems that the newsletter is to bring to the attention of the constituents the issues that are of interest to Alderman Tullock. He said he wanted to focus on what Alderman Tullock wants to focus on.

Alderman Tullock said he wants to find out from his constituents if they want the Ward One aldermen to vote for a budget that does not benefit Ward One residents very much.

Mr. Mendolia asked for clarification pertaining to storm water and infrastructure expenses. He commented about a \$9 million infrastructure improvement that he did not see on the graph.

Alderman Tullock answered that the graph primarily represents storm water runoff issues.

Mr. Mendolia said the comment in the newsletter indicates that Alderman Roth and Alderman Tullock believe tax dollars should be evenly spent by ward regardless of need. He said if money is spent on something and it is not needed, that would be wasteful spending. He asked if they are introducing a Bill that would achieve that objective.

Alderman Roth answered affirmatively, and that Mr. Mendolia heard part of it when they were trying to assign revenues to each separate ward.

Alderman Tullock stated that they attached a survey to the newsletter, they are going to get an idea of what accurately represents the will of the residents in Ward One who respond to the survey. He said so far, 70% that say the tax dollars should be evenly distributed through all three wards.

Mr. Mendolia commented about spending money evenly per ward regardless of need.

Mr. Mendolia said he wanted to pursue the comment that the City Attorney runs the City of Manchester, and asked the Ward One aldermen if they believe City staff does a good job, and the answer was "yes".

Alderman Tullock commented that the concern is if they are the primary drive through a lot of things that happen in the City of Manchester, and he said he thinks not.

Mr. Mendolia asked Alderman Tullock if individually each of the department heads and City Administrator do a good job.

To each question, Alderman Tullock answered affirmatively.

Mr. Mendolia stated it is his understanding that the City of Manchester is a City Administrator-run City, not a Mayor-run City.

Mr. Mendolia stated if all these people are doing a good job, he is going to assume that since all of them are doing a good job and since they work for Ed Blattner that he thinks Ed Blattner is doing a good job.

Alderman Tullock answered affirmatively, but he does not believe that Mr. Blattner is confident giving the City Attorney a directive and having that be followed without any type of hesitation.

Mr. Mendolia stated his understanding is the two of them are insulting the City staff who really run the City by saying Patrick Gunn runs the City. He said if Patrick really runs the City and it is being run so well, then all the staff should be fired and let him do it for \$90,000 dollars.

Alderman Roth stated that has been suggested.

Mr. Mendolia stated he went through this newsletter on Christmas Eve, which was ridiculous timing, and it really got him fired up, and he thinks that the Ward One aldermen should really have their feet held to the fire. He said that they have been going back and forth with Patrick Gunn since as long as he has lived here, and it doesn't seem to get any better. He asked them to go have a "Come to Jesus" meeting and get it figured out.

Mr. Mendolia said he wanted to go forward for those people who did not receive the mailing. He stated that in the next part of the newsletter it states that "The Mayor and his administration force an Officer to resign". He asked if the two aldermen know all the facts on the officer's resignation.

Alderman Roth stated they think they do.

Alderman Tullock stated that is based on what they have heard from the officer in question.

Mr. Mendolia asked if they were in the room when the officer resigned.

Alderman Tullock stated they should ask City staff right now.

City Administrator Ed Blattner stated this is a personnel matter, and he will not discuss a personnel matter in public.

Mr. Mendolia said that not being in the room, it would be hard to make that decision without having all the facts.

Mr. Mendolia mentioned the poll when Alderman Tullock was running for Mayor and asked if he quantified the numbers.

Alderman Tullock asked what numbers Mr. Mendolia was referring to.

Mr. Mendolia answered he is speaking about the poll when Alderman Tullock was running for Mayor, the survey that was sent out in regards to police service, trash service, street sweeping, snow removal, sidewalks, parks and storm water.

Alderman Tullock stated he compiled all the data from the surveys that were sent back to him; he did receive a 10-15% percent response to the number of surveys he put out. He said he got a good idea how the residents in all wards felt on the issues.

Mr. Mendolia asked if he shared the findings with the City staff.

Alderman Tullock stated he shared them with other aldermen, and he thinks he shared them with a couple of the departments. He stated that he invited the other aldermen to participate in reviewing those, and most declined.

Mr. Mendolia stated that the next headline in the newsletter stated "City Attorney intervenes with election". He stated two weeks before Alderman Tullock was nominated for President of the Board of Aldermen, Alderman Ottenad was nominated and received three votes for, two against, and one alderman abstained.

Alderman Tullock stated that as he recalls, when the question first came up, when they reassembled as a full Board, Alderman Roth made the motion to make him the Board President and it was seconded by Alderman Ryan.

Mr. Mendolia stated he was speaking of two weeks before the meeting in May of which Alderman Tullock is referring.

Alderman Tullock stated they couldn't have voted for President of the Board then because they didn't have the new Board then.

Alderman Clement stated that he had nominated Alderman Ottenad and she got three votes and Alderman Tullock had abstained so he arranged two weeks later to have himself nominated in the absence of Alderman Diehl, over his protest because he felt that was an affront to Alderman Diehl.

Alderman Tullock stated they didn't convene as a new Board until the May 3 meeting.

Alderman Clement stated that was the meeting when Alderman Ottenad was nominated. He said that he would be happy to share the minutes with Alderman Tullock.

Mr. Mendolia stated he knows that was the date, because he looked at the minutes also. He said that Alderman Tullock did abstain, and the reason Alderman Tullock used was that he didn't understand what the meaning of "absent" was in the terms of the Mayor being absent from the City of Manchester.

Alderman Tullock stated he would have to look back at his minutes again. He is not going to make a conclusion until he looks at all the facts.

Mr. Mendolia stated many people here do remember it, and his question is about what happened two weeks later when Alderman Roth nominated him and one of the aldermen was absent. There were three votes for Alderman Tullock and two against.

Mr. Mendolia stated that Alderman Tullock believes it is different, although it may be different in the eyes of Roberts Rules of Order.

Alderman Tullock stated at that meeting, it was voted on and unfortunately there is not a recording of that meeting because the equipment did not work, but the Mayor declared, "It looks like we have a new Board President".

Alderman Tullock stated after the announcement from the Mayor he heard City Attorney Patrick Gunn state he needed to look into this. He said that is what he recalls hearing, but Attorney Gunn's research was without the direction of the Board.

City Attorney Patrick Gunn stated the City Administrator gave him that direction which is permitted under his contract.

Mr. Mendolia used the word "power-grab" and stated he thinks that the same person they complain gets paid too much will have to be paid to fight Alderman Tullock's case where he is suing the City over an issue that he created. He said that he has read that Alderman Tullock is also suing the Board of Aldermen.

Alderman Tullock stated that he wanted to have a Judge make the decision, not the City Attorney, on what is appropriate or not because he believes Patrick Gunn is wrong. He said what we do in this Country, if you have two parties that disagree on something, you don't fight it out, you have some type of authority make that decision.

City Attorney Patrick Gunn suggested letting the Board of Aldermen make that decision. He suggested making a nomination and everybody vote, not abstain, since everyone was present.

Alderman Roth said that we already had one of those; there was an election.

City Attorney Patrick Gunn stated we had one when people abstained and another when people were not present. He suggested that we have one when all six Aldermen can vote; let the vote's fall where they may.

Alderman Tullock stated that they took the vote and three aldermen voted in favor and they thought they had the majority vote. He thinks that is appropriate and the way it should be.

City Attorney Gunn stated he guesses this is not a matter of having aldermen selecting the President of the Board; this is the matter of a Judge selecting the President of the Board of Aldermen.

Alderman Tullock stated this is about a Judge making a ruling on what transpired whether it was within the State Statutes or not.

City Attorney Patrick Gunn stated there is no State Statute involved, and he stands by his legal opinion. He said he is prepared to bring it to court and he feels it is unfortunate that the citizens have to pay for that because if the members of the Board of Aldermen want to make a nomination right now, they can have a vote right now and see what happens and they can elect a President and move on and the case would be dismissed. City Attorney Patrick Gunn reiterated that they could elect a President right now, make a motion and have it seconded and vote. He said with four votes the nominee prevails. He said if they don't get four votes, the next person gets nominated.

Alderman Roth stated that perhaps that is why Attorney Gunn has asked for a delay in the Judge making a ruling, because he doesn't want to have a Judge make a ruling.

City Attorney Gunn asked what delay Alderman Roth is referring to. He said that the only delay that he has asked for is a delay because the lawsuit was not properly framed; the individuals were not named as parties and the rules require them to be named. He said that was not his choice. He said that was the unfortunate error on the part of the lawyer representing Alderman Tullock.

City Attorney Gunn stated he is going to ask for a delay for a court appearance on January 21st, so they understand that, and he is asking for that delay because he is going to be with his daughter in Chicago in honor of the one-year anniversary of the death of her finance.

Alderman Tullock stated that it was scheduled on the 21st in November, and wondered why Patrick at that point didn't say it needs to be rescheduled to another day.

City Attorney Patrick Gunn stated that the anniversary of his death is January 21st and he will be in Chicago on that day.

Mr. Mendolia asked about the newsletter with the heading "Mayor refuses to release records". He asked what it is that Alderman Roth and Alderman Tullock want.

Alderman Tullock stated they would like to come in and view the expenditures of the City without a fee.

Mr. Mendolia stated that is not the way it is done, and he isn't even an Attorney.

Alderman Tullock stated last month Alderman Roth went to a couple different municipalities throughout this area and asked to see their records. He said it was allowed and there were no fees. He said there were records made available to him and he wasn't even a resident of their City.

Alderman Tullock stated that the aldermen here are prohibited from seeing the records unless they pay a fee. He asked how he can make an informed decision based on the expenditures and revenues without knowing all the facts, not just the totals, but the day-to-day numbers.

Mr. Mendolia said specifically if they want the day-to-day numbers, he can go through the budget, which is huge, himself and look at a number of the line items. He said that in the past, they have specifically asked for the Mayor's expense numbers.

There was a discussion about Alderman Roth requesting the Mayors expense reports about a year ago.

City Attorney Gunn said the request was for a tremendous volume of records; the request was for every document and it took several weeks for City staff to accumulate the documents, at a significant expense. He said if the search would have been narrowed, the volume of records and cost would have been less.

Mr. Mendolia asked Alderman Roth if he recently went into City Hall and viewed documents, and Alderman Roth stated that he did.

Mr. Mendolia said that it appears that Alderman Tullock and Alderman Roth are looking for any reason in this campaign literature to "smear the Mayor" and find ways to irritate the members of the Board of Aldermen.

Alderman Tullock said he wants transparency. He said that in years past he would call the previous finance director, and she would answer questions, not being very specific sometimes, but expenditures of the City are an open record anyway.

Mr. Mendolia said there is a whole staff of people who work for the City whose job it is to make sure they are spending correctly, the items are accurate, and he just heard that these people do a good job.

Alderman Tullock said it is their job as the Board to verify that records are accurate.

Mr. Mendolia said that involves specifically the request for the mayor's expense records.

Mr. Mendolia stated in the newsletter it says "A Stalking Horse Candidate in 2011. Be on the lookout for those who run for in aldermen in Ward One. We were told that the Mayor and City Attorney would like an alderman that will do what they say. Candidates are to be sought to run against Aldermen Bob Tullock in April. Bob has never been in the good old boys club and never will be". He asked Alderman Tullock who the stalking horse candidate is and if he is

saying the person who runs against him doesn't have a mind of their own and is being tugged by the Mayor and City Attorney.

Alderman Tullock answered he doesn't know who is going to be running, but he can tell him that he has heard from a number of residents in Ward One and a number of residents in Ward Two who have been approached or have heard different rumors about Mike or different aldermen wanting to get a candidate to run in Ward One to support their Ward Two agenda.

Mr. Mendolia asked who wouldn't want a candidate to run in Ward One.

Mr. Mendolia stated the newsletter was paid for by Bob Tullock and Hal Roth from private funds, he asked if the committee to elect Bob Tullock paid for this flyer.

Alderman Tullock and Alderman Roth answered "no".

Alderman Tullock stated they paid for it from their own private funds.

Mr. Mendolia stated since Alderman Tullock always speaks about "transparency", he thinks "private funds" is somewhat hazy to him.

Alderman Tullock stated he is not prohibited from sending any letter just like residents from Ward Two have received in the past from their aldermen, and residents in Ward Three have received from their aldermen when it comes to newsletters or opinion letters. He said this is not something that is new, he did this with Alderman Asa Wilson, and he has done this privately by himself for a number of years. He said he wants to hear what the residents in his ward are saying when it comes to these issues.

Mr. Mendolia stated he is one of Alderman Tullock's residents.

Alderman Tullock asked if he took the time to fill out the survey and return it.

Mr. Mendolia stated he did and sent it in, and he wondered if Alderman Tullock noticed that it said we need two new aldermen. He said he is one of the residents who lives in Alderman Tullock's and Alderman Roth's ward, and that the timing was terrible; it was inflammatory; and he thinks it was intentionally manipulative to the people who were supposed to read it.

Mr. Mendolia stated he hopes that everyone can look at the meeting minutes from tonight and notice that this is nothing more than a smoke screen and a piece of campaign literature. He said he wishes he could run against him but he can't, so, he knows that he is not the stalking horse candidate.

Alderman Roth stated some of Mr. Mendolia's comments are based on privileged information, so it tells him that some of the other aldermen, which he can guess who, have fed him information, which makes him a "shill", and he has been so for over a year.

Mr. Mendolia stated that when he moved here, he started reading the minutes and no one

is feeding him information. He said when he needs information he asks for it. He said that when he is asking for it, he is so hot at Alderman Tullock and Alderman Roth, there is a reason for it. He is not the only one that wants the information or the only one who is after them.

Mr. Mendolia stated he can only hope that it is not a stalking horse but a thoroughbred that comes and tramples the two of them in the upcoming elections.

Ms. Harriett Brown, 812 Bromfield Terrace, suggested aldermen being elected at large, as is done in Kirkwood, so the aldermen are responsible for the entire City, and this would stop the dispute of what each ward gets. With elected officials at large, they represent the entire city.

Ms. Brown discussed the article about Sergeant Everingham and read: "in September of this year Sergeant Charlie Everingham an Officer with Manchester for 29 years says he was forced to resign or he would be fired. The Mayor and City staff refuses to tell members of the Board of Aldermen why." She said the Ward One aldermen did not tell them there are privacy laws and Sergeant Everingham would have to sign a release to have his complete record released. She said that Alderman Tullock and Alderman Roth blame the City.

Ms. Brown stated she didn't even know what "stalking horse candidate" meant so, she had to look it up, she read "Be on the lookout for those who run for alderman in Ward One. We were told that the Mayor and City Attorney would like an alderman that will do what they say. Candidates are being sought to run against Bob Tullock in April. Bob has never been in the good old boys club and never will be". She discussed how they discuss the Mayor and City Attorney and asked if they are insinuating that they are picking the candidates to run against him.

Ms. Brown stated in the Webster dictionary the political meaning of "stalking horse candidate" is "a candidate used to screen a more important candidate or to draw votes from a rival and hence cause his defeat." She asked if he is insinuating that the Mayor and City Attorney are setting up this election.

Alderman Tullock answered negatively and said that is not what was written.

Ms. Brown stated they mention the Mayor and the City Attorney and in the next sentence, he states that candidates are being sought.

Alderman Tullock stated they have not been sent back all the surveys which were sent out, but without disclosing the question "Should we hire a new City Attorney?" anywhere on the opinion letter, they have received approximately 20% of the people who responded stating that we do need a new Attorney.

Ms. Brown stated they are not talking about hiring a new City Attorney, she is wondering if they are accusing them.

Alderman Tullock stated he is not accusing them.

Ms. Brown said it sounds like it to her, and that this is political and she feels they just

want to scare the people into voting for him again, and that is the way it has been in Ward One.

Ms. Brown stated that the Police Department is excellent. She said that when they were in St. Louis County and they saw a police car once a day, they see a lot now; they see police patrol all the time in her neighborhood. They are very good; when something happens they are there.

Ms. Brown stated the Ward One aldermen are only telling people half truths and they are not telling the whole truth. They only want to tell people the half truth, their part of it so it can get them a vote.

Alderman Tullock stated he has tried since September to get the facts to the questions and every turn he is told they cannot do this. He said he spoke to this officer's wife numerous times as far back as October, and she has been trying to get the document that the City Attorney has been referring to. He said they are just now getting to that point and they wanted to discuss it at the last meeting.

Ms. Brown said that in Ward One, she would like to see representation for all the people, not just certain groups, because that is the way it is in Ward One. She said to stop the threats against people if in the political campaign, they send out a political flyer and then they are threatened with a lawsuit. She said she knows two people that has happened to. They should not be threatened with a lawsuit if everything in there is the truth, and it is all true.

Aldermen Roth asked who threatened with a law suit.

Ms. Brown answered Mr. Tullock.

Alderman Roth asked if he has threatened to sue them.

Ms. Brown stated he threatened to sue them.

Alderman Roth stated the Missouri Ethics Commission is investigating these people. He said no one is suing anybody.

Ms. Brown stated there was a threat.

Alderman Roth asked when, where, who and how.

Ms. Brown stated she is not going to be naming names, but there were two. She said she is embarrassed by the representation in Ward One.

Alderman Tullock stated he spoke to Ms. Brown's husband back in July or August, and he made a comment that even though they disagree on a number of things that Alderman Tullock would still return Mr. Browns phone calls.

Ms. Brown stated she agrees and knows he said that.

Ms. Pauline Bair, 305 Morewood Drive, said if money is going to be divided moneywise, and not being spent in Ward Three, she wants a rebate.

Alderman Tullock stated \$14 to \$15 million dollars will be spent in the water runoff issues; he figures that equates to approximately \$1,300 per household paying water runoff issues in Ward Two for years. He asked if she wants to do that.

Ms. Bair stated there are problems in every ward, some more severe than others, and they are not going to go away or get better. She said the City cannot just drop these issues and wait two or three years, because by then it will cost more.

Ms. Bair asked Attorney Gunn if he checked with Pace Properties about the water feature in the Manchester Highlands.

City Attorney Gunn replied that there is a water feature and outdoor furniture, and it is covered by an arbor. He said he had a photograph which he would share with Ms. Bair.

Ms. Ettus Hiatt, 14 Hedgewood, said she finds it strange, since Attorney Gunn has been the City Attorney for a number of years, why there is a desire about retaining a new City Attorney, and it is hard to retain a new City Attorney if the City already has an attorney. He said the City Attorney is not running the city government.

Ms. Hiatt discussed Alderman Tullock's vote against the Meramec Station Road sidewalk. She asked if it was his idea to apply for the grant.

Alderman Tullock stated he doesn't think it was his idea, he believes it was City Administrator Ed Blattner's idea.

Ms. Hiatt stated they imply in the newsletter that it was he and Alderman Roth who came up with the idea.

Ms. Hiatt stated she knows of people in Ward One who have not received this newsletter, and asked if it was meant for not everyone to receive a copy of it.

Alderman Tullock stated it went out to a number of residents in Ward One, he said it did not go to every home.

Ms. Hiatt stated her neighbor did not get one.

Alderman Roth stated there was no selectivity other than registered voters. He said if they didn't get one, they aren't good citizens.

Ms. Hiatt stated her husband is a registered voter but it was just addressed to her.

Mr. James Bottorff, 580 Larksmore Court, said the argument in regard to the budget

makes him think of the shape our country is in, moneywise in bad shape and also about cities and states. He still likes Manchester, and wanted to thank most of the aldermen, Mayor and the staff for keeping it that way. He thanked the City for the Senior Luncheon and for the fast snow removal.

Mr. Lee Presser, 1140 Big Bend Station, Trustee of Big Bend Station Subdivision, said it has been a long time since he has been at one of these meetings and he didn't come here angry but after watching from the back it looked like some type of nursery with people having temper tantrums and their own agendas.

Mr. Presser stated he observed the very same thing in his subdivision before he became a trustee, and he was told that his subdivision was the most dysfunctional subdivision in the City of Manchester. He said at this meeting, he could see an escalation of emotions, he discussed meetings where people come in shooting, and this is not what he expects out of Manchester.

Mr. Presser said he has gone to City Council meetings since 1972, and he has been on commissions, and has helped aldermen write legislation.

Mr. Presser suggested to City Administrator Ed Blattner that he get a complete list and find out from Ward One all the projects they think they want. He said to find out from Ward Three who believe they have nothing what they want or need. He said to contact Ward Two and see what they need and put it on paper and then prioritize it based on need.

Mr. Presser mentioned the man from the Post Dispatch and spoke about how they only come to meetings when things are going wrong. He said that he is taking pictures so he can put it in paper how Manchester is screwing up.

Mr. Dan O'Brien, 512 Glan Tai, said that both of the gentlemen who have spoken this evening were correct. He suggested that City Administrator Ed Blattner get the 10 things that Alderman Tullock wants, write them down and present them. He said that after Bob settles the list of ten things there will be more, the list never ends.

Mr. O'Brien stated Alderman Tullock wants discourse, wants to look to the people like he is the savior of Manchester. He said this is what it is with Pat Gunn; Pat Gunn is an attorney, and no matter whatever Pat Gunn says, the two Ward One aldermen will never agree with him, and when they don't, they will say they will find a lawyer that says things differently than Pat Gunn, and that lawyer, whoever it is, will be the savior of Manchester. Things are not getting done because the Ward One aldermen don't want to get things done. He said that Alderman Tullock likes his name in the *West Newsmagazine*.

Mr. O'Brien said this is the first time, in regard to spending, he has heard the difference in wards in the City at all, and he has been here for 47 years.

Mr. O'Brien stated that Attorney Gunn is doing a great job.

Mr. O'Brien stated to Aldermen Roth that the Missouri Ethics Commission is a phone

number and just because you file a complaint, doesn't mean anything just because it is on file.

Mr. O'Brien stated the people of Manchester are tired of this. He said these meetings should be, at best, 45 minutes long. If they want to speak about the budget, do that on their own time. It is finalization time when they come to the meetings.

Mr. John Schrader, 804 Windingpath Lane, asked Alderman Tullock and Alderman Roth about when they had discussions of financial records being available and it was freely given. He asked what other municipalities Alderman Roth went to and what information he asked for.

Alderman Roth answered that it was for sales tax revenue for the past three years.

Mr. Schrader asked if that was a problem, or if it is something that would take 14 weeks to get and cost \$500 dollars to get; he asked if it is a violation of the Sunshine Act.

Alderman Roth answered that it was not.

Mr. Schrader asked Alderman Roth if he went in and asked for any of the records from the other municipalities that he asked for from Manchester. He commented that Alderman Roth stands here at these meetings and complains that the Sunshine Act is unfair.

Alderman Roth stated he never said that the Sunshine Act is unfair.

Mr. Schrader stated three meetings ago he had a discussion to try and amend things.

Alderman Roth stated he didn't try to amend the Sunshine Act, he asked for aldermanic access to the records at no charge.

Mr. Schrader asked him again if he asked for any of those types of records from the other municipalities that you have asked for from Manchester and complained about.

Alderman Roth stated he said that he already told him what he asked for, and the other time he asked for records, which was a year and a half to two years ago, was for the Mayor's expense reports. He said that in follow-up visits, he had meetings with City Managers and they said if he wanted to come in and look at the Mayors expense reports he can. He said one of them volunteered that if he wanted to come in and see them, they would hand over the file.

Mr. Schrader asked how legal that is.

Mayor Willson asked what City that was.

Alderman Roth stated it was the City of Des Peres.

Alderman Roth stated when he spoke with the City of Ellisville he was told "Well you are going to have to understand that before we go any further, under the code of ethics between City Managers, I am going to have to notify people you were here asking these questions."

Mr. Schrader asked if they ever spoke about fees, and Alderman Roth said there would be no fee.

City Attorney Patrick Gunn asked when he contacted the City he is speaking of, that the City Staff stated they will provide free copies of records to non residents.

Alderman Roth stated there were no statements; the person just told him that he could have them, if he was an alderman he would show the information to him.

City Attorney Gunn stated he isn't an alderman there, so they are saying they provide all the aldermen access to all the records for free.

Alderman Roth stated that is what he indicated.

Ms. Pauline Bair, 305 Morewood Drive, asked Alderman Tullock if he wants to be President of the Board.

Alderman Tullock said he does if the Board desires that.

Ms. Bair discussed Alderman Tullock's complaint that Attorney Gunn gets too much money. She said that right now, all six aldermen can vote on who should be President of the Board, and money could be saved. She said this would involve a chance to drop a lawsuit and save tax money.

Alderman Tullock stated the Board did vote. He stated the issue is in front of the Judge. He said if he was satisfied that they were given an opinion from the City Attorney that was completely unbiased, there would have not been any lawsuit filed.

Alderman Tullock stated he is certain that had the vote had gone three to two for Alderman Ottenad there would be no question, or for any other alderman.

City Attorney Patrick Gunn stated that he doesn't accept that.

Ms. Bair stated tonight all six of them can vote on President of the Board and get rid of a lawsuit and save money.

Alderman Tullock stated the Board already voted. He said that if Alderman Diehl would have attended that meeting they would have had all six voters.

Alderman Clement asked if he could make a motion later in the meeting, and Attorney Gunn said that would be appropriate.

Mr. Lee Presser, 1140 Big Bend Station, discussed traffic issues at Dougherty Ferry and the stoplight turning east at Meramec Station Road. He suggested a letter being written to Mrs. Wasinger that the City is in favor of that. He said that Mr. Yingling, also a subdivision trustee, is

concerned that Acting Chief of Police Walsh has not yet been appointed Chief of Police.

Alderman Ottenad read a prepared statement: "I would like to comment on the newsletter sent out in Ward One.

Perhaps one resident in Manchester that I talked to seemed to sum up this newsletter the best when she said that evidently the aldermen of Ward One didn't retain concepts they should have learned in grade school.

As one starts to read the newsletter your eyes will see in red lettering that Bob Tullock and Hal Roth are fighting to prevent most of your tax dollars from going to Ward Two! You will also note a pie chart for the three-year infrastructure study. This is lesson #1 that was not learned in school. Wait your turn. Don't push ahead in line.

In 2000, Metropolitan Engineering did a survey of storm water problems through the City and rated the areas on severity of erosion. Yes, the two worst areas were in Ward Two, and we all knew that, including Alderman Tullock who has been on the Board numerous years.

The City promised people in the Channel B area for over six years that Manchester would take care of their storm water problems after Channel A. People voted for the storm water tax because of this promise and also signed a petition years ago asking for the help as requested by City Engineer Ed Blattner.

Now fast forward to today where a study done in 2010 showed storm water problems in Chadwick, and they don't want to wait for their turn.

The second lesson that wasn't learned was no bullying or if you don't play nice, I'm going to take my ball and go home.

As we all know, there still isn't a budget because some aldermen want us to take Channel B off the grid and distribute money for storm water evenly. What about other aspects of the budget that over the last three years have disproportionately been spent in Ward One, such as over \$7 million on the new Police Facility. By the logic they're using, we have \$4 million more to be spent in Ward Two to equal Ward One. But this is the City of Manchester not Ward against Ward, and we should all be willing to share.

Thirdly, the aldermen from Ward One need to learn responsibility and not play the blame game. Whose fault is it that water problems haven't surfaced for study before this year?

If more time was spent talking to the residents instead of trying to get rid of Pat Gunn, you should understand why Channel B should be started.

Lastly, the aldermen from Ward One need to learn the difference between fact and fiction.

The fact is that the following is contained in the proposed 2011 budget:

Chadwick storm water study and project \$100,000
Channel B Engineer and Design \$300,000
Doverfalls study, design and construction \$65,000

The fiction in their newsletter is that Ward Two wants to include a \$6 – 8 million dollar water runoff project in this year's budget, so they may have trouble getting Doverfalls and Chadwick passed in the 2011 budget.

The fact is that the aldermen from Ward One will be the ones responsible for not proceeding with Chadwick and Doverfalls by voting down the budget of 2011.

The fact is that Ward Two is not asking for \$6 to 8 million dollars in the 2011 budget.

In the end fear does not help a budget get passed."

Alderman Clement stated the residents in Ward One, if they have not received a copy of the newsletter, should get a copy of it. He called the newsletter divisive, inflammatory and insulting on a whole variety on levels.

Alderman Clement stated: "The first big theme is that they must divide funds by ward; he referred to Hurricane Katrina, there was millions and billions of dollars that went to Louisiana and Mississippi. He said he does not recall the Missouri Congressional Delegation demanding and requesting that a similar amount of money be sent in to the State of Missouri simply to balance funds.

Alderman Clement stated it is a good example right now with the tornado damages in isolated pockets throughout the State, and if they play the game that aldermen in Ward One want to play, he would assume the City should be requesting its own share of matching funds to meet whatever funds are made available for the tornado damages.

Alderman Clement stated we all live in the City of Manchester and we don't live in Ward One, Ward Two, or Ward Three. He said we associate ourselves as members and residents of Manchester. He said the fact is that advocacy for dividing our tax dollars up serves no purpose except to be dividing us up as a City. He said maybe the next request would be to build borders around wards and charge others for coming in.

Alderman Clement stated that in regard to the topic about running the City of Manchester, he feels that is very insulting topic and theme. He said we have such good staff; the City is run well, and to disparage them by saying the City Attorney runs the City is an insult to every one of these excellent staff members. He feels it should be an insult to everyone because everyone should know that the City Attorney doesn't run the City. This is a fiery, divisive attention grabber.

Alderman Clement read and commented on the headline "Mayor and his administration forces Officer to resign", he questioned who the administration is. He said this is not a

Republican and Democratic Party, this is not a new government that has come in here, and it's divisive. He wondered if "the mayor and his administration" sounds sinister.

Alderman Clement stated the comment in one of the paragraphs that says "Alderman Roth and Alderman Tullock have a great deal of respect for our Officers and City Employees" is completely false if they look at the last four to five months. They do not have respect for City staff and do not have respect for the officers in the Police Department. Their actions say it, and this newsletter pronounces it loud and clear.

Alderman Clement quoted the headline "City Attorney intervenes with election", and stated the point has already been made. Alderman Ottenad got three votes at the one meeting, and Alderman Tullock got three votes at another meeting, over his protest because he felt it was such a disrespect to arrange for a nomination and a vote for himself when an alderman was absent, so no matter what their argument is about how he got three votes, the fact is that Marilyn Ottenad got three votes two weeks prior and he thinks they need to respect that, and he doesn't know why that vote has been forgotten by the aldermen from Ward One.

Alderman Clement stated "water runoff issues" in Ward One, again, they talked about. Alderman Ottenad referred to it beautifully, \$6 to \$8 million dollars what is in that letter, and \$300,000, that is what is in the budget for Ward Two storm water runoff. He said it is a big gross overstatement there.

Alderman Clement stated "spending your tax dollars wisely" the sentence is "in the alternative we proposed to apply for a grant in using the stimulus money from the Federal Government since this was a turnkey project", he said that Ed Blattner has brought this point up, the aldermen from Ward One did not make that happen, and in fact, it was an engineer in Ward Two who spotted federal funding coming down the pipeline and recommended to him and the City that perhaps the City should try to get some funding. It has turned out that it has worked out right. The statement the way the Ward One aldermen phrased it is very clearly an effort to claim credit for that stimulus funding and that isn't true. It was clearly a resident in Ward Two, a young engineer who really wanted this sidewalk, and she went out on her own and found the funds and told the City Administrator about the funding. The good news is that the project is going to cost a lot more because there is federal funding, and while we should all be patting ourselves on the back, it is just going towards that \$14 trillion national debt that our government truly doesn't have, but the City had it and could have paid for it, and it would have been done now.

Alderman Clement stated we talk about our federal debt and let's just bump and move projects from the municipal level to the federal level and pat ourselves on the back, which he doesn't think that is good as Americans.

Alderman Clement stated the "Stalking Horse" is nothing but a big time intimidation, anybody who dares to run in that ward is going to be framed as a clone or patsy of the City Attorney or the Mayor. He thinks that is an effort to intimidate anyone to oppose Alderman Tullock in Ward One, and he already thinks there is a candidate who has stepped forward.

Alderman Clement stated in the course of this conversation he heard Alderman Tullock mention: "Mike is looking for a candidate to run in Ward One who will support the agenda of Ward Two." He said he will assume that reference is to him because his name begins with Mike, and he doesn't know who else he would be referring to. The fact is that he has never asked, sought, or looked for a candidate from another ward to support the agenda of his ward. He thinks people should be running out of a commitment to serve this City and not to serve the ward.

Alderman Clement made the motion that Alderman Ottenad be President of the Board. The motion was seconded by Alderman Diehl.

A poll of the Board showed:

Alderman Roth – nay
Alderman Ryan – nay
Alderman Diehl – aye
Alderman Ottenad – aye
Alderman Clement – aye
Alderman Tullock – abstain

Alderman Tullock stated he has a personal interest in this thing. He said he has a lawsuit filed, not only that but there is a legal question that is involved, and he is not satisfied he is getting the right direction.

Ms. Pauline Bair, 305 Morewood Drive, asked Alderman Tullock what his problem is. She said that Alderman Ottenad is a good President of the Board. She asked what Alderman Tullock is trying to prove.

Alderman Tullock agreed that Alderman Ottenad is a good President of the Board.

Ms. Bair asked why he doesn't back off and let Alderman Ottenad do it. She further commented on Alderman Tullock's abstention.

6. REPORTS FROM THE MAYOR

a. Mayoral Report

Mayor Willson discussed the Employee Awards Luncheon at Lazy River Grill. He said there were more than 60 employees who attended the luncheon. The employees received rewards that ranged from 5 years to 25 years of service, and awards for perfect scores in marksmanship.

Mayor Willson stated he was notified today that there is a Planning & Zoning Commissioner position open in Ward Three; the previous commissioner moved out of Manchester. He said that if anyone is interested to please contact Director Franz Kraintz.

Mayor Willson said he found it interesting that the Ward One newsletter is not campaign literature, but it was only sent to registered voters. He said if it is a newsletter, it should be sent to every resident in Ward One.

Alderman Roth stated the mailing company has a piece of software and in the interest of saving money they said they only wanted one to go to every resident. They had complaints that the mailing went to students away at college and they are going to do a resend.

Mayor Willson stated if it is a newsletter, it should be sent to every resident in Ward One, nothing to do with if you are a registered voter or someone who doesn't vote.

Alderman Tullock stated that "unlike the City of Manchester they balance their budget" He said they spent the money the most effectively they could with the money they had, with the most effective use which was to send it to the registered voters from the last three years. They don't send it to everyone because there is only a certain percent less than half the people out there who vote.

7. REPORTS FROM THE CITY ADMINISTRATOR

a. List of Paid Bills (Warrant dates of December 17 - December 30, 2010)

There were no questions.

b. Meramec Station Road Sidewalk

City Administrator Ed Blattner advised that he received an email from Juneau Engineers regarding the Meramec Station Road Sidewalk and it looks very promising that the City will receive the grant from the Federal Government. He said it will be decided on January 26th at their next Board of Director's meeting.

8. REPORTS FROM COMMITTEES

a. Planning and Zoning Commission

Alderman Clement said that the Planning and Zoning Commission did not meet, so there is no report, and there is no agenda for next Monday.

b. Historic Review Commission

Alderman Diehl said that the Historic Review Commission did not meet; the next meeting is planned for the third Monday in January.

c. Homecoming Committee

Alderman Ottenad stated that the Homecoming Committee did not meet.

9. ACTION ON OLD BILLS

- a. There were none.

10. INTRODUCTION OF NEW BILLS

- a. BILL AMENDING SECTION 110.140 OF THE CODE OF ORDINANCES PERTAINING TO ABSTENTION FROM VOTING

Alderman Clement advised that he would read the Bill, and then for those who do not know what he requested be added, he would read that in its entirety. He hopes everyone understands after having seen another abstention tonight why they need to do something.

Alderman Clement introduced Bill # 11-2114, entitled: "AN ORDINANCE AMENDING SECTION 110.140 OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER", by title only.

Alderman Clement read from the current Code of Ordinances. He said: "Since abstentions have been used so much over the last months, he read the new sentence he has proposed: "When voting on a resolution, motion or bill, a member of the Board of Aldermen may vote for the matter, against the matter or abstain from voting. An abstention shall be counted as neither a vote for the proposition nor against the proposition but shall be recorded merely as an abstention. If an abstention is premised upon a member's conflict of interest, it shall be the duty of that member so voting to inform the Board of the existence of such a conflict".

Alderman Clement stated because abstention has been used so many times over the last 12 months, he is asking that they do more under this section. He read the new sentence:

"If an abstention is premised upon a member's uncertainty or indecision, the reason(s) for such uncertainty or indecision shall be specifically made known to the Board of Aldermen."

Alderman Clement said residents from his ward have talked about the abuse of abstentions; decisions have been damaged by the use of abstentions. He said they cannot do away with abstentions, but with this sentence added, if it passes, it will hopefully put a bit more of a burden for those people that vote to explain why they are abstaining. In the past it has been general and broad.

Alderman Tullock asked when the last time was when an abstention was given that a reason was not given.

Alderman Clement stated that he can't recall right now, but he knows there are very broad terms whenever people do abstain.

Alderman Tullock asked when the last time a member of the Board abstained from voting and did not either tell them there was a conflict of interest or there was a reason they couldn't

vote, whether it was not enough information, etc.

Alderman Clement answered when people use the abstention, it is also when people don't understand something or because I have questions from the City Attorney or I don't understand the word absence. He said those type of phrases that really have little meaning to this, and hopefully this will help future Boards.

Alderman Clement stated he believes that when Board members abstain they should be very intentional in explaining why they are abstaining if there isn't a conflict of interest.

Alderman Tullock stated this very Bill presents a problem because they have three Board members here that are not satisfied that they can get a full legal opinion from the City Attorney. He asked how they can vote in favor or against this bill if they don't have that opinion.

Alderman Clement suggested then they could vote against it.

Alderman Tullock stated there are three reasons why you abstain, you have a personal conflict of interest, or you do not have a clear understanding of the Bill in front of you. He said if you don't have a strong legal resource to be able to make that conclusion, you are not supposed to vote.

Alderman Clement stated if he is concerned about not having strong legal basis for this Bill he is going to request the City Attorney to somehow answer your questions. He said to present to the City Attorney any of the questions and he will make it a blanket statement to all the Board members that if they think there is a problem here with this and not getting a legal opinion, let's ask the City Attorney to do some legal research on this, and he would like everyone to either vote "yes" or "no" on this Bill.

Alderman Tullock stated if he was satisfied that he would get a complete unbiased thorough opinion from the City Attorney, they wouldn't be going through this mess to begin with.

Alderman Clement stated to Alderman Tullock saying that he, Alderman Roth or Alderman Ryan will probably abstain from this.

Alderman Tullock stated he hasn't reviewed the Bill, he hasn't given it due consideration, nor have they debated it appropriately and thoroughly went through the legislative process. He said for him to make a decision now, it is not only improper it is imprudent and it is not doing his job as a legislator.

Alderman Clement stated he has two weeks, there is no decision tonight.

Alderman Roth asked if section 110.140, asked what the difference is between what we have now and what Alderman Clement is proposing.

Alderman Clement responded that it is the last sentence which is not in the current code.

They would be adding the last sentence.

Alderman Roth stated he has never heard abstentions without a reason.

Alderman Clement stated the City needs a little bit better reason.

City Attorney Patrick Gunn stated if the suggestion is if this Ordinance is adopted that a person could abstain and a person is to say "I abstain because I don't understand it" then the person would have to stand in front of their constituents and explain what they don't understand. He said they are not telling the Board what they don't understand, they are not telling the Board the specifics, and they are just simply saying they don't understand. Anyone can hide behind "I don't understand it", "I have questions", "I don't like the City Attorney's legal opinion" but this is intended to say you have to give specific reasons.

City Attorney Gunn stated if a person doesn't understand it, maybe the Board or the Staff can explain it so that the abstention can be eliminated and the person can vote "yes" or "no" as opposed to abstention. He said that there was a question as to when the last time a abstention was given, he answered it was on the budget, the comment was "I don't understand it, I have questions" but the specifics were never really divulged as to what the questions really were, it was simply "I just don't understand it". The purpose of this is to try to elicit from the aldermen specific reasons why they feel they cannot vote for or against, but must abstain.

City Attorney Gunn stated he will give his opinion right now, the Board of Aldermen have the right to impose on itself these kinds of rules. These are not set forth on Robert's Rules of Order, these are additional rules, just as the Board imposed some years ago, if you have a conflict of interest you have to divulge the conflict so everyone understands why, now they are saying if you abstain for the other reason, which is if you are not prepared to vote you have divulge why.

Alderman Roth stated the question now is if he abstains and he says because he doesn't know how 2 and 2 equals 5, is the Board going to vote and accept that reason or not.

City Attorney Gunn stated absolutely not, because this Bill has no enforcement provision. If an aldermen says "I abstain because I just don't know" that's ok. This is an attempt to require the aldermen to state the reasons why he or she must use the power of abstention. Robert's Rules or Order provides that in all instances members of the council are to vote whenever possible. It dissuades the use of abstentions.

Alderman Tullock stated that the City Attorney gave his opinion, but he wanted to know if that is his legal opinion that this Ordinance is entirely consistent with the Revised Statutes of Missouri.

City Attorney answered "yes".

Alderman Ottenad asked City Attorney Gunn if a reason is given if the Board of Aldermen is going to try to help the person with the uncertainty that a vote is changed.

City Attorney answered that is the purpose, if someone doesn't understand, it could be explained, and they can then withdraw the abstention and then vote "yes" or "no". He answered that the alderperson than could revote.

City Attorney answered Alderman Ottenad that the alderperson will never be told the reason isn't good enough, but what constituents might say would be another question.

11. MISCELLANEOUS

a. Comments from the Public

There were none.

12. EXECUTIVE SESSION

- a. Closed Session: Pursuant to Section 610.021 (13) of the Revised Statutes of the State of Missouri pertaining to individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment.

Alderman Tullock made the motion to go into closed session pursuant to Section 610.021 (13) of the revised Statute of the State of Missouri, pertaining to individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment. The motion was seconded by Alderman Roth.

Mayor Willson stated he finds it intriguing that there was an e-mail that went out asking for verification of what this executive session was about. He said he doesn't have a clue what this is about, and he didn't receive a heads up about it. He asked if the Board knew what this was about; he wished he could have been informed since he is the one that runs the meetings when they get in there.

A poll of the Board showed:

Alderman Ryan – aye
Alderman Diehl – aye
Alderman Ottenad – aye
Alderman Clement – nay
Alderman Tullock – aye
Alderman Roth – aye

Mayor Willson stated the motion carried 5-1.

13. ADJOURNMENT

At 10:15 p.m., there being no further business, Alderman Clement made the motion to adjourn. The motion was seconded by Alderman Diehl and carried unanimously, without objection. The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Ruth E. Baker, CMC/MRCC
City Clerk

***Note:** This is a journal of the Board's meeting (summary); not a verbatim transcript. If a recording of the meeting is desired, please contact City Hall.*